

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

SUSAN FRANQUES : CIVIL ACTION NO.: _____

VERSUS : JUDGE: _____

CANAL INDEMNITY COMPANY,
SONRIC'S TRUCKING, LLC, AND : MAGISTRATE: _____
RAUL R. ARANDA

: JURY TRIAL REQUESTED

PETITION FOR REMOVAL

NOW INTO COURT, through undersigned counsel come Defendants, CANAL INSURANCE COMPANY (erroneously named as Canal Indemnity Company), SONRIC'S TRUCKING, LLC, and RAUL R. ARANDA (collectively referred to as "Petitioners"). Petitioners in this removal action who with respect show that:

1.

Petitioners were made defendants in the action titled "*Susan Franques v. Canal Insurance Company, et al*", Case Number 2022-2053, Fourteenth Judicial District Court, Calcasieu Parish.

2.

This action was commenced on May 18, 2022 when the Plaintiff filed the Petition for Damages in the Fourteenth Judicial District Court, Calcasieu Parish, where it remains pending.

3.

Petitioners have not answered the state court suit.

4.

Service information on Petitioners is as follows: Canal Insurance Company was served on May 24, 2022. Petitioners do not have confirmation of service of Sonric's Trucking, LLC, and Raul R. Aranda.

5.

Removal of this matter is timely because the Petition for Removal is being filed within 30 days of when the Petitioners received notice that parties are completely diverse under 28 U.S.C. 1446(b)(3).

6.

Plaintiff, Susan Franques, was at the time of filing this lawsuit domiciled in Calcasieu Parish, Louisiana and is, therefore, a citizen of Louisiana.

7.

Defendant, Canal Insurance Company, is a corporation with its principal place of business in Greenville, South Carolina. It is, therefore, a citizen of South Carolina.

8.

Defendant, Sonric's Trucking, LLC, is a corporation with its principal place of business in El Paso, Texas. It is, therefore, a citizen of Texas.

9.

Defendant, Raul R. Aranda, was at the time of the filing of this lawsuit and remains domiciled in Santa Teresa, New Mexico. He is, therefore, a citizen of New Mexico.

10.

The Plaintiff is a citizen of Louisiana. Defendants are citizens of South Carolina, Texas, and New Mexico; therefore, complete diversity of citizenship exists based on 28 U.S.C. §1332(a)(3).

11.

While no specific amount in controversy has been alleged, Plaintiff has alleged in the Petition for Damages that her damages exceed \$75,000, the jury threshold in Louisiana.

12.

Since there is complete diversity of citizenship between Plaintiff and Defendants, and because the amount in controversy exceeds \$75,000.00, the United States District Court for the Western District of Louisiana is vested with original jurisdiction over this action pursuant to 28 U.S.C.A. §1332 and 28 U.S.C.A. §1441, *et seq.*

13.

Petitioners file herewith a copy of all pleadings filed in this action in state court (Collective Exhibit A).

14.

To the knowledge of Petitioners, no additional process, pleadings, or orders have been filed in this action.

15.

On the same date as the filing of this notice, written notice was duly mailed to Plaintiff's counsel of record, Steve M. Sikich, The Sikich Law Firm, Post Office Box 1432, Lake Charles, Louisiana 70602, and a copy of the Notice of Removal has been mailed to the 14th Judicial District Court, Parish of Calcasieu, State of Louisiana for filing, in case number 2022-2053.

WHEREFORE, Petitioners, CANAL INSURANCE COMPANY (erroneously named as Canal Indemnity Company), SONRIC'S TRUCKING, LLC, and RAUL R. ARANDA, pray that this action be removed from the Fourteenth Judicial District Court, Calcasieu Parish, Louisiana to the United States District Court for the Western District of Louisiana pursuant to 28 U.S.C. § 1441 *et seq.*, because the U.S. District Court for the Western District of Louisiana is the federal judicial district that embraces the Fourteenth Judicial District Court for Calcasieu Parish, Louisiana where this action was originally filed.

FURTHER PRAY that Petitioners be granted a trial by jury as to all issues triable by jury.

Respectfully submitted,

The Dill Firm, A.P.L.C.

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ATTORNEYS FOR CANAL INSURANCE
COMPANY, SONRIC'S TRUCKING, LLC, and
RAUL R. ARANDA

CERTIFICATE

I HEREBY CERTIFY that a copy of the above and foregoing pleading has been served upon counsel for all parties to this proceeding by U.S. mail, facsimile, and/or electronic mail.

Lafayette, Louisiana, this 26th day of May, 2022.

/s/ David R. Rabalais
DAVID R. RABALAIS